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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LAWRENCE W. CLARK and ROBERT W. RODGERSON

Appeal 2008-0854
Application 10/628,155
Technology Center 2100

Decided: July 28, 2008

Before JOSEPH L. DIXON, LANCE LEONARD BARRY, and
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 1-4 and 6-19. We have jurisdiction under
35 U.S.C. § 6(b).

We affirm.

A. INVENTION

The invention at issue involves operating a manufacturing line (Spec. 2). In particular, a fluid change associated with a manufacturing characteristic is performed to an instruction, which is displayed with a manufacturing component (*id.* 2).

B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows:

1. A computer based method of displaying a changed manufacturing instruction, comprising the steps of:

establishing a desired fluid change associated with a manufacturing characteristic;

enabling a change in a manufacturing instruction in response to said desired fluid change; and

displaying said changed manufacturing instruction associated with a manufacturing component on a display screen associated with a first manufacturing workstation.

C. REJECTION

Claims 1, 7-9, and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,240,328 (“LaLonde”). Claims 2, 6, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over LaLonde and Official Notice. Claims 3 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over LaLonde and U.S. Patent No. 5,341,304 (“Sakamoto”). Claims 4, 10, 11, and 13-17 stand rejected under 35 U.S.C.

§ 103(a) as being unpatentable over LaLonde and U.S. Patent No. 6,477,437 (“Hirota”). Claim 5 has been cancelled.

II. CLAIM GROUPING

When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.

37 C.F.R. § 41.37(c)(1)(vii) (2006).¹

Appellants argue claims 1, 7-9, and 12 as a group (App. Br. 11-14); claims 2, 6, and 19 as a group (App. Br. 14-15); and claims 4, 10, 11, and 13-17 as a group (App. Br. 17-18). Appellants rely solely on arguments presented for independent claims 1, 9, or 12 for support of claims 2, 4, 6, 10, 11, 13-17, and 19. Appellants argue claims 3 and 18 as another group (App. Br. 15-17). Because Appellants provide the same arguments for claims 1, 2, 4, 6, 7-17, and 19, we group claims 1, 2, 4, 6, 7-17, and 19 in a first group and select claim 1 as the sole claim on which to decide the appeal of the first

¹ We cite to the version of the Code of Federal Regulations in effect at the time of the Appeal Brief. The current version includes the same rules.

group. We also group claims 3 and 18 in a second group and select claim 3 as the sole claim on which to decide the appeal of the second group.

III. CLAIMS 1, 2, 4, 6, 7-17, AND 19

As set forth above, we select claim 1 to decide the appeal of the first group.

Appellants assert that “LaLonde fails to disclose or suggest ‘establishing a desired fluid change associated with a manufacturing characteristic’ and ‘enabling a change in a manufacturing instruction in response to the desired fluid change,’ as recited in claim 1” (App. Br. 12) because “Appellants specifically defined the term ‘fluid change’ to include ‘a change without the need to halt the operation of an assembly line.’ Specification at page 4, ll. 1-2” (*id.*).

The Examiner finds that “although . . . [the term] . . . ‘fluid change’ is meant to include ‘a change without the need to halt the operation of an assembly line’, it is not limited to just this interpretation alone” (Ans. 9). We agree. The Specification discloses that a fluid change “includes a change without the need to halt the operation of an assembly line” (Spec. 4) and also that “a manufacturing line may stop if the manufacturing instruction is not performed (e.g., the fluid change to a manufacturing instruction telling manufacturer . . . to put part x on part y as opposed to putting part p on part y)” (Spec. 7). Because the Specification discloses that a fluid change may include “a change without the need to halt the operation of an assembly line”

and may also include at least a change in which “a manufacturing line may stop,” we disagree with Appellants that the Specification limits the “fluid change” as only including a change “without the need to halt the operation of an assembly line.”

Moreover, LaLonde discloses that “process changes can be modified without creating any impact on manufacturing” (col. 9, ll. 17-18). Based on this disclosure, even assuming that a “fluid change” as recited in claim 1 includes only changes not requiring halting of the manufacturing process, we find that LaLonde, in one embodiment, also discloses this feature because changes that do not create any impact on manufacturing include changes that do not require halting of the manufacturing process.

Appellants also argue that LaLonde fails to “suggest or disclose the making of a change in manufacturing or assembly required by claim 1” because “these portions of LaLonde disclose generating and scheduling assembly instructions for products based on modeling information” (App. Br. 12-13).

LaLonde discloses that a “non-programmer” may “update the information about the assembly steps required for a component or sub-assembly” (col. 4, ll. 20-22) such that “if modifications/additions are made using the administration tool, a new file B would be written out” (col. 4, ll. 38-39) and that “[a]n encoded work instruction (EWI) contains information required for assembly instruction reader 25 to display an assembly instruction” (col. 4, ll. 58-60). Because LaLonde appears to disclose

modifying or updating (i.e., “changing”) information (i.e., “characteristics”) pertaining to a component or sub-assembly (i.e., “associated with a manufacturing characteristic”), we disagree with Appellants’ contention that LaLonde fails to teach making a change in manufacturing or assembly.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 1. We therefore affirm the rejection of claim 1 under 35 U.S.C. § 102, and of claims 7-9, and 12, which fall therewith. Because Appellants do not provide additional arguments in support of claims 2, 4, 6, 10, 11, 13-17, and 19, and rely solely on arguments provided for independent claim 1, we also affirm the rejections of claims 2, 4, 6, 10, 11, 13-17, and 19 under 35 U.S.C. § 103 under the same rationale.

IV. CLAIMS 3 AND 18

As set forth above, we select claim 3 to decide the appeal of the second group.

Appellants argue that “Sakomoto does not disclose or suggest ‘changing a manufacturing instruction associated with a second manufacturing workstation in response to not performing said changed manufacturing instruction’” (App. Br. 16).²

² We note that claim 3 recites “said changed manufacturing instruction associated with a manufacturing component on a display screen,” “changing a manufacturing instruction associated with a second manufacturing workstation,” and “not performing said changed manufacturing instruction.” It is not clear whether the changed manufacturing instruction (that is not

Sakamoto discloses “assembling stations for correction operations” (col. 11, l. 15-16) in which “defects detected during an assembly operation are written in the data carrier 60” (col. 11, ll. 29-30) which is used with an “R/D unit 53a” to prepare “correction operation instructions which specify what kind of operations should be done at which station” (col. 11, ll. 32-35). Hence, Sakamoto discloses that a manufacturing instruction (i.e., correction operation instructions) for a second manufacturing workstation (e.g., an “R/D unit 53a”) is changed (i.e., created and written in the data carrier) in response to detecting a defect during an assembly operation. The Examiner finds that “Sakamoto . . . teaches parallel manufacturing lines, wherein when a defect is encountered (e.g., a manufacturing step that was not done correctly, if at all), the overall product is moved to a second workstation” (Ans. 10). We agree with the Examiner that one of skill in the art would have interpreted the defect in manufacturing as having been caused by an error in operation including instruction omissions because operational errors and omissions commonly result in defects. Hence, we find that Sakamoto discloses changing a manufacturing instruction with a second manufacturing workstation (i.e., data carrier 60 read by the R/D unit 53a) in response to not performing a changed manufacturing instruction.

performed) refers to the changed manufacturing instruction associated with a manufacturing component or the changed manufacturing instruction associated with a second manufacturing workstation.

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It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 3. Therefore, we affirm the rejection of claim 3, and of claim 18, which falls therewith.

VI. ORDER

In summary, the rejections of claims 1, 7-9, and 12 under 35 U.S.C. § 102(e) and of claims 2-4, 6, 10, 11, 13-19 under 35 U.S.C. § 103(a) are affirmed.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

pgc

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